

ORDINANCE 162

AN ORDINANCE REQUIRING THE VACCINATION OF DOGS AND
CATS WITHIN THE CITY OF WHEELER, TEXAS:
PROHIBITING ALL ANIMALS FROM RUNNING AT LARGE:
PROVIDING FOR THE IMPOUNDING OF ANIMALS RUNNING AT
LARGE: PROVIDING A PENALTY FOR VIOLATIONS THEREOF
AND PROVIDING SPECIAL CONFINEMENT PROVISIONS.

Whereas, animals running at large within the City of Wheeler, Texas
constitute a public nuisance and health hazard requiring the licensing
and vaccination of dogs and cats and control and regulation of keeping
and maintaining all animals within the City;

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEELER, TEXAS:

SECTION I.

That from and after the effective date of this ordinance it shall be unlawful for all animals to run at large in the City of Wheeler, Texas.

SECTION II.

Definitions

When used in this ordinance the following words and terms shall be defined and interpreted as follows:

2.1 Animal- "Animal" means a warm-blooded animal.

2.2 "Cat" means Felis catus.

2.3 "Dog" means Canis familiaris.

2.4 Running at Large- Shall pertain to an animal off the premises of the owner and not under the physical, visible or audible control of his authorized representative. An animal intruding upon public property or the property of any person other, shall be termed "Running at Large." An animal within the automobile or other vehicles of its owner shall not be deemed "Running at Large"

2.5 Owner -Any person who has the right of property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of seven (7) days.

2.6 Vicious animal- ny animal that commits an unprovoked attack a person or constitutes a physical threat to human beings or other animals.

2.7 Harboring- The act of keeping and caring for an animal or providing a premises to which the animal returns for food, shelter, or care.

2.8 Public Nuisance- Any animal which: (a) molests passersby or passing vehicles; (b) attacks other animals; (c) trespasses on school grounds or other public property; (3) is repeatedly at large, and (4) barks, whines, howls, or caterwauls in an excessive, continuous or untimely fashion.

2.9 Stray Animals - Means roaming with no physical restraint beyond the premises of an animal's owner or keeper.

2.10 Rabies- An acute viral disease of man and animals affecting the central nervous system and usually transmitted by an animal bite.

2.11 Rabies Vaccination- Shall mean the vaccination of an animal with an approved anti-rabies vaccine administered by a veterinarian licensed by the State of Texas by the time the animal is four (4) months of age and at regular intervals thereafter as prescribed by the Board of Health.

2.12 Restraint- Within an enclosure of its owner or keeper; or controlled by a leash, or within a vehicle being driven or parked on the streets.

2.13 Animal Shelter- Any premises designated by action of the City of Wheeler for the purpose of impounding and caring for all animals found in violation of this article.

SECTION III.

Rabies Control

3.1 Certificate of Vaccination- Upon vaccination, the veterinarian shall execute and furnish to the owner of the animal as evidence thereof a certificate upon a form furnished by the veterinarian.

3.2 Rabies Tag- Concurrently with the issuance and delivery of the certificate of vaccination referred to in Section 3.1, the owner of the animal shall cause to be attached to the collar or harness of the vaccinated animal a metal tag, serially numbered to correspond with the vaccination certificate number. Such tag shall be worn by the animal at all times.

3.3 Duplicate Tags- In the event of loss or destruction of the original tag provided in Section 3.2, the owner of the animal shall obtain a duplicate tag.

3.4 Proof- It shall be unlawful for any person who owns or harbors a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of these regulations.

3.5 Harboring Unvaccinated Animals- It shall be unlawful for any person to harbor any dog or cat four (4) months of age or older which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.

SECTION IV.

Reporting Bites and Related Procedures

4.1 Any person receiving or knowing of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the local health authority. The report must include the name and address of the victim and of the animal's owner, if known, and any other information that may help in locating the victim or animal. The local health authority shall investigate each such report. In addition, that animal shall be impounded and observed in a state-approved quarantine facility.

SECTION V.

Animals Running at Large

5.1 It shall be unlawful for any animal to be off the owner's premises and not under the physical, visible or audible control of the owner or his authorized representative. Such animal shall be impounded.

5.2 It shall be unlawful for any person to harbor an animal that is a public nuisance as defined in Section II.

SECTION VI.
Quarantine Procedures

6.1 The City Council shall designate an officer to act as the local health authority for the purposes of this ordinance, who suty it shall be to see that the provisions of this Article and the Board of Health rules that comprise the minimum standards for rabies control are enforced. For his services, the local health officer shall receive such compinsation as may be fixed by the City.

6.2 It shall be the duty of the local health officer, or any other designated individual, to watch for violations of this Article and to take action necessary to abate the violations.

6.3 It shall be the duty of the local health officer to quarantine or test in accordance with the rules of the Texas Board of Health any animal that the local health officer has probable cause to believe may have exposed a person to rabies.

6.4 An owner shall submit for quarantine an animal that is reported to be rabid or to have exposed an individual to rabies, or that the owner knows or suspects is rabid or to have exposed an individual to rabies, to the local health officer.

6.5 If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the local health officer shall release the animal to its owner when the quarantine period ends if: (a) the owner has an unexpired rabies vaccination certificate for the animal; or (b) the animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.

6.6 If a veterinarian determines that a quarantined animal shows the the clinical signs of rabies, the local health officer shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the local health officer shall remove the head or brain of the animal and submit it to the nearest department laboratory for testing.

6.7 The owner of an animal that is quarantined under this chapter shall pay to the local health authority the reasonable costs of the quarantine and disposition of the animal. The local health authority may bring suit to collect those costs.

6.8 The local health authority may sell the animal and retain the proceeds or keep, grant, or destroy an animal if the owner or custodian does not take possession of the animal before the fourth day following the final day of the quarantine period.

6.9 It shall be the duty of the local health officer or any other designated individual to take up any animal found running at large, and confine such animal in the animal shelter for a period of one hundred twenty (120) hours, during which time the owner, upon satisfactory proof to the local health officer of ownership, may redeem his animal upon payment of a pound fee of \$25.00 for each animal, and an additional \$3.00 for each day such animal is kept in the animal shelter. The owner of the animal shall also pay an additional \$10.00 for each subsequent impoundment of the same animal.

6.10 Any animal over the age of four (4) months without a current rabies vaccination may not be redeemed until it has been vaccinated. After the animal is vaccinated, and upon the presentation of a vaccination certificate from a licensed veterinarian, the City of Wheeler will release the animal.

6.11 Upon the expiration of the one hundred twenty (120) hour period, unless the animal is redeemed as provided herein; it shall be the duty of the local health officer to destroy the animal in a humane manner and properly dispose of the remains.

6.12 It shall be the duty of the local health officer or any other person having charge of the animal shelter to make a reasonable effort to contact the owner of any tagged animal being held and notify such person that said animal is being held; however, the failure to give notice shall not abate the other duties of the local health officer to destroy the animal.

SECTION VII.

A person commits an offense if the person fails or refuses to have each dog or cat owned by the person vaccinated against rabies and the animal is required to be vaccinated under this Ordinance. An offense under this section is a class "C" misdemeanor, as provided by Sec. 826.022 of the Texas Health and Safety Code.

SECTION VIII.

A person commits an offense if the person fails or refuses to restrain a dog or cat owned by the person and the animal is required to be restrained under this Ordinance. An offense under this section is a class "C" misdemeanor, as provided by Section 826.034 of the Texas Health and Safety Code.

SECTION IX.

A person commits an offense if the person fails or refuses to quarantine or present for quarantine or testing an animal that is required to be placed in quarantine or presented for testing hereunder or under rules of the Texas Department of Health. An offense under this Section is a class "C" misdemeanor.

SECTION X.

Ordinance No. 143 is hereby repealed as are all portions of any existing ordinances which conflict with his ordinance.

SECTION XI.

Should any Section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION XII.


Declaring an Emergency

The fact that there are now no adequate regulations governing rabid cats in the City of Wheeler and the regulations herein are needed for the protection of the health of the citizens of Wheeler creates an emergency and imperative public necessity and that the rule providing that ordinances be read on three separate days before the final passage thereof be and the same is hereby suspended and this ordinance shall take effect and be in force after its passage, and it is so enacted.

PASSED, APPROVED AND ORDERED published by the City Council of the City of Wheeler, Texas on this 17 day of August, 1992.



WANDA HERD, MAYOR
City of Wheeler, Texas


Claudine Finsterwald, Secretary